

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JANE DOE, through her father JOHN DOE, :

Plaintiff, :

vs. :

KEVIN C. BOLLAERT, an individual; :

ERIC S. CHANSON, an individual; :

ROY E. CHANSON, an individual; :

AMY L. CHANSON, an individual; BLUE :

MIST MEDIA, LLC, a limited-liability :

company of unknown origin, d/b/a :

“YOU GOT POSTED”; and “JOHN DOE,” an :

individual, :

Defendants. :

Case No.: 2:13-cv-00486-GLF-MRA

Judge Gregory L. Frost

**MOTION FOR LEAVE TO FILE SUR-
REPLY IN OPPOSITION TO
DEFENDANTS ROY AND AMY
CHANSON’S MOTION TO DISMISS**

**Plaintiff’s Motion for Leave to File Sur-Reply in Opposition to Defendants Roy and Amy
Chanson’s Motion to Dismiss**

Plaintiff, Jane Doe, through her father John Doe, hereby files this Motion for Leave to File the Attached Sur-reply in Opposition to Defendants Roy and Amy Chanson’s Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(2). Plaintiff opposes the Motion as follows:

I. Argument

Plaintiff respectfully submits this request to file a sur-reply to in opposition to Defendants Roy and Amy Chanson’s Motion to Dismiss. Defendants Roy and Amy Chanson have made serious and false statements in their reply memorandum and sworn declarations¹ in support of their Motion to Dismiss (ECF 20-22), which Plaintiff seeks to clarify. These allegations were not raised prior to Plaintiff’s filing of her Opposition to Roy and Amy Chanson’s Motion to

¹ In fact, as seen in the attached Declaration of Ronald D. Green, these false statements were likely made knowingly to rise to the level of perjury, and may warrant referral to the United States Attorney for this district.

Dismiss, and Plaintiff could not have anticipated Defendants' reply would be filed with misrepresentations to this Court.

In their reply in support of motions to dismiss, Roy and Amy Chanson deny having any conversations with attorney Ronald D. Green of Randazza Legal Group. However, these statements are false and are refuted with evidence in Plaintiff's counsel's possession. (See Decl. of Ronald D. Green). Mr. Green is in possession of phone records showing that he has spoken with the Chansons on multiple occasions. (See Decl. of Ronald Green, Exhibit A). During those conversations, Roy and Amy Chanson discussed YouGotPosted, among other things, with Green. (See Decl. of Green at ¶8). Still other statements in Roy and Amy Chanson's declarations are materially false. Roy and Amy claim to have never heard of YouGotPosted before reviewing the Complaint in this case. Yet, they retained counsel to set aside a default judgment entered against them in another case based on their involvement in the site. (See Decl. Of Green at ¶¶ 8-9). Their attorney in that case contacted Mr. Green and specifically referenced YouGotPosted two weeks before Plaintiff filed this suit. Amy and Roy Chanson knew of two suits against them based on their involvement with YouGotPosted before this action was commenced, and Plaintiff's sur-reply would place this evidence on the record to refute Defendants' claims.

The subjects of the conversations were previously covered in Green's declaration filed with Plaintiff's Opposition to Roy and Amy Chanson's Motion to Dismiss. (ECF 15-2). Accordingly, Ohio has specific personal jurisdiction over Roy and Amy Chanson because, as admitted editors of the YouGotPosted website, they purposefully availed themselves of the privilege of conducting business in Ohio.

For these and the foregoing reasons, Plaintiff Doe respectfully requests this Court hereby deny Defendants Roy and Amy Chanson's Motion to Dismiss for Lack of Personal Jurisdiction.

Dated: August 30, 2013

Respectfully submitted,

/s/ Marc J. Randazza

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Certificate of Service

Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing document was served upon all other parties via U.S. Mail:

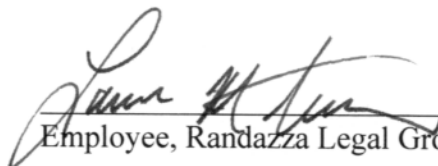
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Dated: August 30, 2013



Employee, Randazza Legal Group